

**Zoning Public Hearing
CITY OF AUSTIN
RECOMMENDATION FOR COUNCIL ACTION**



**AGENDA ITEM NO.: Z-3
AGENDA DATE: Thu 02/02/2006
PAGE: 1 of 1**

SUBJECT: C14-05-0215 - Maverick Miller House - City Initiated - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 910 Poplar Street (Shoal Creek Watershed) from multi-family residence-moderate-high density-historic-neighborhood plan (MF-4-H-NP) combining district zoning to limited office-mixed use-historic-conditional overlay-neighborhood plan (LO-MU-H-CO-NP) combining district zoning. Historic Landmark Commission: To grant limited office-mixed use-historic-conditional overlay-neighborhood plan (LO-MU-H-CO-NP) combining district zoning. Planning Commission Recommendation: To grant limited office-mixed use-historic-conditional overlay-neighborhood plan (LO-MU-H-CO-NP) combining district zoning. Applicant: City of Austin. Agent: Neighborhood Planning and Zoning Department. City Staff: Tina Bui, 974-2755.

REQUESTING Neighborhood Planning
DEPARTMENT: and Zoning

DIRECTOR'S
AUTHORIZATION: Greg Guernsey

ZONING CHANGE REVIEW SHEET

CASE: C14-05-0215

HLC DATE: January 23, 2006

ADDRESS: 910 Poplar Street

PC DATE: January 24, 2006

Council DATE: February 2, 2006

OWNER/APPLICANT: B & H Enterprises, Inc./

City of Austin Neighborhood Planning & Zoning Dept. (Tina Bui)

AGENT: City of Austin Neighborhood Planning & Zoning Dept. (Tina Bui)

ZONING FROM: MF-4-H-NP

TO: LO-MU-H-CO-NP

AREA: 0.75 acres or
32,670 sq. ft.

SUMMARY STAFF RECOMMENDATION:

Staff's recommendation is to grant LO-MU-H-CO-NP.

HISTORIC LANDMARK (HLC) COMMISSION RECOMMENDATION:

Approved staff's recommendation to grant LO-MU-H-CO-NP [Hansen 1st, Arriaga 2nd] (7-2, Bunton & Mather dissenting)

PLANNING COMMISSION (PC) RECOMMENDATION:

Approved staff's recommendation to grant LO-MU-H-CO-NP [Sullivan 1st, Dealey 2nd] (9-0)

BACKGROUND/DEPARTMENT COMMENTS:

This property is within the Central Austin Combined Neighborhood planning area (adopted August 2004, original ordinance 040826-56), more specifically within the West University Neighborhood planning area (adopted August 2004, ordinance 040826-57), and within the University Neighborhood Overlay (UNO) district (adopted September 2004 as part of the Central Austin Combined Neighborhood Plan, ordinance 040902-58).

This rezoning is related to a request made on the same property in the spring of 2005. At that time, the owner proposed to build a four-story condominium development on the northwest side of the property to the rear of the Maverick-Miller house. Such work required a Certificate of Appropriateness from the Historic Landmark Commission (HLC), for which the owner applied. The HLC considered the case on February 28, 2005 and denied the Certificate on a 5-0 vote (Chair Daniel Leary and Commissioner Laurie Limbacher absent).

The owner then filed an appeal of the denial to the City Council. On June 23, 2005, a public hearing was held on the matter and the Council acted to deny the appeal on a 7-0 vote.

On October 27, 2005, the City Council was posted to approve an item directing the City Manager to initiate the process regarding preservation of the Maverick Miller House and the transfer of development rights. The item posted by Mayor Will Wynn and Council Member Lee Leffingwell was the product of negotiations between the owner of the property and the Central Austin Neighborhoods Planning Area Committee. The parties worked to craft a solution that would address the previous case in which the Certificate of Appropriateness was denied. The compromise agreement retains the economic viability of the Maverick-Miller home by permitting additional uses that allow for compatible redevelopment of the site and preservation of the historic house. The agreement also achieves one of the planning goals adopted

C14-05-0215 Maverick-Miller House, 910 Poplar St.

as part of the Central Austin Combined Neighborhood Plan by allowing additional multifamily density in the West Campus area.

At the October 27 Council meeting, the agent for the applicant outlined a proposal that would change the base zoning on the property from MF-4 to LO-MU. The rezoning to LO-MU with conditions would reduce the height from 60 feet (the maximum allowed under UNO) to 40 feet (the maximum allowed under LO). Additionally, the agent offered to limit the maximum height to 30 feet. Under the proposal, the only non-residential uses allowed would be art galleries, art workshops, administrative and business offices, counseling services, and professional offices. The H, historic, zoning would be retained with the LO-MU zoning, requiring the owner to file an application for a Certificate of Appropriateness with the HLC if the property is redeveloped.

In tandem with the rezoning of the Maverick-Miller property, it was proposed that the University Neighborhood Overlay be amended to increase the maximum height at a nearby property located at 900-908 West 26th Street from 90 feet to 114 feet to allow for additional multifamily density. At that site, other conditions were offered to prohibit egress on to San Pedro Street and prohibit vehicular access to Poplar Street.

The Council then approved the item to initiate the process regarding preservation of the Maverick Miller House and the transfer of development rights on a 6-0 vote (with Mayor Pro Tem Danny Thomas off the dais).

This rezoning serves as half of the action necessary to implement that direction from Council. The UNO amendment to increase the maximum height at 900-908 West 26th Street from 90 feet to 120 feet, as recommended by staff, was approved by the Planning Commission with a 9-0 vote on January, 10, 2006. The UNO amendment is currently scheduled for the February 9, 2006 Council agenda.

The owner of a nearby property located at 910 West 26th Street has filed a petition opposing any rezoning of the Maverick-Miller House. The petitions stands at 5.20%.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	MF-4-H-NP	Single-family home
<i>North</i>	P-NP	City ROW along Lamar Blvd.
<i>South</i>	MF-4-NP	Apartments
<i>East</i>	MF-4-CO-NP	Apartments
<i>West</i>	P-NP & MF-4-NP	City ROW along Lamar Blvd. & apartments

AREA STUDY: N/A

TIA: N/A

WATERSHED: Shoal Creek

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: N/A

HILL COUNTRY ROADWAY: N/A

REGISTERED COMMUNITY ORGANIZATIONS:

Central Austin Neighborhoods Planning Area Committee
University Area Partners
West Campus Neighborhood Association
Austin Neighborhoods Council
Austin Independent School District
Taking Action Inc.

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-03-0163 (713 W. 26 th St, 26 th @ San Pedro)	From MF-4 to MF-6-CO	PC 12/23/03: Approved staff rec. of MF-6 with 75' height limit (5-0)	02/12/04: Approved MF-6-CO (6-0-1, all 3 readings)

RELATED CASES:

Following the staff's, the HLC's, and the Planning Commission's recommendations, the Council originally approved H, historic, zoning on January 27, 2000 (case C14H-99-13, ordinance 000127-54).

Per the direction from Council on October 27, 2005, there is a related amendment to the University Neighborhood Overlay increasing the maximum height allowed on 900-908 West 26th Street from 90 feet to 120 feet. That item was approved by the Planning Commission with a 9-0 vote on January, 10, 2006. That item is currently scheduled for the February 9, 2006 Council agenda.

For additional details, please see department comments beginning on page 1.

ABUTTING STREETS:

Name	ROW	Pavement	Classification	Sidewalks	Bus Route	Bike Route
Poplar Street	32'	20'	Local	No	No	No
Shoal Cliff Court	30'	22'	Local	No	No	No

CITY COUNCIL DATE:

ACTION:

ORDINANCE READINGS: 1st

2nd

3rd

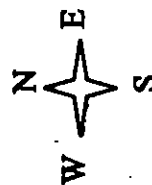
ORDINANCE NUMBER:

CASE MANAGER: Tina Bui

PHONE: 974-2755

EMAIL: tina.bui@ci.austin.tx.us

Maverick - Miller House, 910 Poplar St.



C14-DS-0215 - Maverick Miller House 910 Poplar St

DESCRIPTION OF 0.750 OF AN ACRE, MORE OR LESS, OF LAND AREA, BEING A PORTION OF OUTLOT 59, DIVISION "D", OF THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF ON FILE IN THE GENERAL LAND OFFICE OF THE STATE OF TEXAS, BEING THE SAME TRACT OF LAND CONVEYED IN A DEED DATED APRIL 15, 1968 FROM EMILY MAVERICK MILLER, TO EMILY MILLER WELLS, ET AL, AS RECORDED IN VOLUME 3456, PAGE 160, DEED RECORDS OF TRAVIS COUNTY, TEXAS, AND BEING RECONVEYED IN A DEED DATED JANUARY 4, 1982 FROM EDMUND H. MILLER, ET AL, TO EMILY M. WELLS, AS RECORDED IN VOLUME 7672, PAGE 36, DEED RECORDS OF TRAVIS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a $\frac{1}{2}$ " iron rod set at the intersection of the north line of Poplar Street and the east line of San Gabriel Street, for the apparent southwest corner of the aforementioned Wells Tract;

THENCE leaving the PLACE OF BEGINNING and said north line of Poplar Street, with the common line of San Gabriel Street and the Wells Tract, N $06^{\circ}04'E$ 101.00 feet to a $\frac{1}{2}$ " iron rod set near the top of a bluff for the apparent northwest corner of the Wells Tract, same being the apparent southwest corner of that 0.826 acres tract of land conveyed in a deed dated December 29, 1931, from George D. Smith, et ux, to the City of Austin, as recorded in Volume 474, Page 512 Deed Records of Travis County, Texas, and being the northwest corner of the herein described tract of land;

THENCE leaving San Gabriel Street, with the common line of the Wells Tract and the aforementioned City of Austin Tract, said line being referenced by the following nine (9) courses along the top of a bluff near the north face of an old rock wall:

1. N $78^{\circ}53'15"E$ 14.72 feet to a $\frac{1}{2}$ " iron rod set;
2. S $86^{\circ}57'45"E$ 11.82 feet to a $\frac{1}{2}$ " iron rod set;
3. N $64^{\circ}36'45"E$ 15.38 feet to a $\frac{1}{2}$ " iron rod set;
4. N $76^{\circ}24'E$ 11.81 feet to a $\frac{1}{2}$ " iron rod set;
5. N $58^{\circ}07'15"E$ 38.02 feet to a $\frac{1}{2}$ " iron rod set;
6. N $68^{\circ}09'45"E$ 28.71 feet to a $\frac{1}{2}$ " iron rod set;
7. N $82^{\circ}18'E$ 38.45 feet to a $\frac{1}{2}$ " iron rod set;
8. N $20^{\circ}09'45"E$ 26.31 feet to a $\frac{1}{2}$ " iron rod set; and
9. N $68^{\circ}42'15"E$ 69.16 feet to a $\frac{1}{2}$ " iron rod set for the apparent northeast corner of the Wells Tract, same being the apparent southeast corner of the remainder of the City of Austin Tract, also being the northerly west corner of that tract of land known as Treehouse Condominiums, as set out in declaration of record in Volume 7818, Page 1 as amended in Volume 7829, Page 722, Deed Records of Travis County, Texas, and being the northeast corner of the herein described tract of land;

EXHIBIT A

60107-54

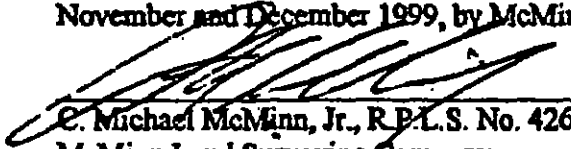
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C14-05-0215. Markick-Miller House. 910 Poplar St.

THENCE leaving the City of Austin Tract, with the common line of the Wells Tract and said Treehouse Condominiums, S 05°57'W 19.80 feet to a 1/2" iron rod found for the southwest corner of the Treehouse Condominiums, same being the northwest corner of that tract of land known as The Overlook Condominiums, as set out in declaration of record in Volume 7836, Page 876, Deed Records of Travis County, Texas, as amended in Volume 12026, Page 880, Real Property Records of Travis County, Texas;

THENCE leaving the Treehouse Condominiums, with the common line of the Wells Tract and said The Overlook Condominiums, S 05°57'W 199.98 feet to a 1/2" iron pipe found in the north line of Poplar Street, for the apparent southeast corner of the Wells Tract, same being the southwest corner of The Overlook Condominiums, and being the southeast corner of the herein described tract of land;

THENCE leaving The Overlook Condominiums, with the common line of Poplar Street and the Wells Tract, N 84°19'45"W 211.09 feet to the PLACE OF BEGINNING. There are contained within these metes and bounds, 0.750 of an acre, more or less, of land area, as described from record information and measurements made on the ground during November and December 1999, by McMinn Land Surveying Company of Austin, Texas.


E. Michael McMinn, Jr., R.P.L.S. No. 4267
McMinn Land Surveying Company
P.O. Box 27695
Austin, Texas 78755
(512) 343-1970

DATE :	December 8, 1999
SUBDIVISION :	Outlot 59, Division "D", City of Austin
COUNTY :	Travis, Texas
J.O. No. :	102999
CNDD1029A	

STAFF RECOMMENDATION

Staff's recommendation is to grant LO-MU-H-CO-NP.

BACKGROUND

Please see department comments beginning on page 1.

BASIS FOR RECOMMENDATION

1. *The proposed zoning should be consistent with the goals and objectives of the City Council.*
The LO-MU zoning with conditions implements the directive approved by Council on October 27, 2005 to preserve the Maverick-Miller home.
2. *The proposed zoning should be consistent with the purpose statement of the district sought.*
LO, Limited Office, zoning is the designation for the lower-intensity office uses proposed.
3. *Zoning changes should promote compatibility with adjacent and nearby uses and should not result in detrimental impacts to the neighborhood character.*
The LO-MU zoning which would allow the proposed limited office and residential uses is compatible with and not detrimental to the denser multifamily development in the area.
4. *Zoning should allow for reasonable use of the property.*
The LO-MU zoning and the proposed uses will allow for residential and office uses to occur on the property, making preservation of the historic home more viable.

EXISTING CONDITIONS

Site Characteristics

The subject tract is a larger sized lot in the area measuring 0.75 acres. It is developed with the historic Maverick-Miller home.

Hill Country Roadway

The site is not within a Hill Country Roadway Corridor.

Impervious Cover

The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Shoal Creek Watershed of the Colorado River Basin, which is classified as an Urban Watershed by Chapter 25-8 of the City's Land Development Code. Impervious cover is not limited in this watershed class.

Environmental

The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Shoal Creek Watershed of the Colorado River Basin, which is classified as an Urban Watershed by Chapter 25-8 of the City's Land Development Code. Impervious cover is not limited in this watershed class. This site is required to provide on-site structural water quality controls (or payment in lieu of) for all development and/or redevelopment when 5,000 s.f. cumulative is exceeded, and detention for the two-year storm.

C14-05-0215 Mayerick-Miller House, 910 Poplar St.

At this time, site-specific information is unavailable regarding existing trees and other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

At this time, no information has been provided as to whether this property has any pre-existing approvals which would preempt current water quality or Code requirements.

Transportation

The trip generation under the requested zoning is estimated to be 720 trips per day, assuming that the site develops to the maximum intensity allowed under the zoning classification (without consideration of setbacks, environmental constraints, or other site characteristics).

The traffic impact analysis for this site was waived because this zoning case is initiated by the City. Additionally, a traffic impact analysis is not required for this case because the traffic generated by the proposed zoning does not exceed the threshold of 2,000 vehicle trips per day. [LDC, 25-6-113]

Existing Street Characteristics:

Name	ROW	Pavement	Classification	Sidewalks	Bus Route	Blke Route
Poplar Street	32'	20'	Local	No	No	No
Shoal Cliff Court	30'	22'	Local	No	No	No

Water and Wastewater

The site is served with City of Austin water and wastewater utilities. If water or wastewater utility improvements, system upgrades, utility adjustments, or relocation are required, the landowner, at own expense, will be responsible for providing.

Site Plan

- Compatibility Standards not applicable
- Hill Country Roadway Ordinance not applicable
- Airport Hazard and Compatible Land Use Areas not applicable
- Planned Unit Developments not applicable

However this site is subject to all regulations under the University Neighborhood Overlay and Historic Landmark Preservation approval prior to development.

Additional design regulations will be enforced at the time a site plan is submitted.

PETITION

Date: 1-17-05

File Number: C14-05-0215

Address of

Rezoning Request: 910 Poplar

To: Austin City Council

We, the undersigned owners of property affected by the requested zoning change described in the referenced file, do hereby protest against any change of the Land Development Code which would zone the property to any classification other than ME-4-H-NP.

(STATE REASONS FOR YOUR PROTEST)

(PLEASE USE BLACK INK WHEN SIGNING PETITION)

Signature
Randy G. Goulet

Printed Name
ROYCE O. GOULET JR

Address
910 West 26th Street

Date: 1-23-06

Contact Name: Royce Goulet

Phone Number: 512-699-1093

PETITION

Case Number:

C14-05-0215

Date:

Jan. 25, 2006

Total Area within 200' of subject tract: (sq. ft.)

280,723.82

		DETRICK-GOURLEY		
1	02-1400-0701	PARTNERSHIP	14,608.57	5.20%
2				0.00%
3				0.00%
4				0.00%
5				0.00%
6				0.00%
7				0.00%
8				0.00%
9				0.00%
10				0.00%
11				0.00%
12				0.00%
13				0.00%
14				0.00%
15				0.00%
16				0.00%
17				0.00%
18				0.00%
19				0.00%
20				0.00%
21				0.00%
22				0.00%
23				0.00%
24				0.00%
25				0.00%

Validated By:

Stacy Meeks

Total Area of Petitioner:

14,608.57

Total %

5.20%

PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During its public hearing, the board or commission may postpone or continue an application's hearing to a later date, or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request, or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website:

www.ci.austin.tx.us/development

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C14-05-0215

Contact: Tina Bui, (512) 974-2755

Public Hearing:

January 23, 2006 Historic Landmark Commission

January 24, 2006 Planning Commission

Chen I Yu Zuhua Huang-E Yu

Your Name (please print)

914 W 6th St #207 Austin TX 78705

Your address(es) affected by this application

Chen I Yu Zuhua Huang-E Yu

Signature

Date

Comments:

Comments section with handwritten notes and signatures. The text "RECEIVED" is visible, along with a date "01/23/06" and a signature.

If you use this form to comment, it may be returned to:

City of Austin

Neighborhood Planning and Zoning Department

Tina Bui

P. O. Box 1088

Austin, TX 78767-8810